App. F. IX-4

Previous References

193 3 (Laws) 8

File No. /30-32

Serial Nos. /— 2

Later References

preserve

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2 to.

Part B for June '36

SUBJECT.

(Re-applicability of the Mysore Agriculturists' Relief Regulation to disputes before the Registrar under the Co-operative Societies Regulation

2) The Regr. Cooperative Societies.

No. P 5666 dy 13-6-36.

Informs that Govt. generally agree with his views in the matter & have no objection in his proceeding accordingly.

Dy. Secy. 15-6-36

S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D 4578

Letter no 8029/Cs. dt 17/21
from the Regr Cs.

Requests a ruling as
the applicability of the
Mysore Agriculturists' Relief
& Co-operative Societies

This may if approved
transferred to the Revenue
Branch where the
matters relating to the
Agriculturists Relief
Regulation are dealt with

for KD
22/5/

Revenue Branch
[illegible]

The Regr wants
an opinion as to
the applicability of
the Agriculturists
Relief Regn. to
disputes between
Regd societies &
Co-operative Societies

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on [illegible]

V

G.R.S. III—3]

Rou

[To be used only for notes, requisition

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Requisition for papers

Section Agy

A 48-27 SC (I-4)

B

Filed

Deposit No.

File No. 48-27

Serial No.

To be put up Diary No. 6222 of 1933.

Signature T. S. Devan

Branch Govt

Section Law

Date 26/5/34

WD 0146—GPB—100 bks. of 100 pp. each—13-10-33

Taken by me & Secretary Govt Mr [illegible] 3174/32-33 28/12/33

Agy

28/5

DSW

may perhaps be sent to the Govt. for advice on various points raised in 2-4 of the P.W.D.

Please put up the file bearing to the Agriculturists Relief Regns.

DSW 29/5/34

file is said to have been committed to the H. Sec'y in connection with the question of amending the Regs.

D 26/5

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

6,224

R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D 4578

Letter no 8029/Cs. of 12/21 from the Regr of Cs

Requests a ruling as the applicability of Mysore Agriculturists' Re Co-operative Societies Act

This may, if app transferred to the Re Branch where the matters relating to Agriculturists' Relief regulation are to attended to

[illegible] 22/5

[illegible] V.C

The Regr wants an opinion as to the applicability of the Agriculturists Relief Regn. to disputes between Regn. under the Co-operative [illegible]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

2

G.R.S. III—3]

Rou

[To be used only for notes, requisitio

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Requisition for papers

Section Regs.

A 48-27 SC(I-4)

B

Filed

Deposit No. Regs.

File No. 48-27

Serial No.

To be put up Diary No. 6222 of 1933.

Signature T. S. Devan

Branch Pmt

Section Law

Date 26/5/34

WD 0446—GPB—100 bks. of 100 pp. each—13-10-33

Sec. 3174/32 28/12/32

Sec. 28/5

is may perhaps be sent to the Govt. ad
advice on various points raised in
no 2-4 of the P. W. D.

Please put up the file
bearing to the Agriculturists
Relief Regn.

Regs 25/5/34

e file is said to have been
-bmitted to the U. Sec.y in
connection with the question of
amending the Regn

26/5

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Serial No.

under the Mysore Cooperative Societies Regulation, neither the Registrar nor his assistants can be said to be a Court - Though in practice a dispute before them between a Society & its members is called a suit, it is not so expressed in the Regulation itself - For the purposes of the Agriculturists Relief Regulation, the ~~Litigation~~ Proceedings before the officers of the Cooperative dept is not a suit and the officers themselves are not Civil Courts Hence I do not agree with the Registrar in thinking that the Relief Regn does not apply to the disputes under the C.S. Regn

But it is not desirable for Govt to give an opinion in this matter on this reference. The ~~Regn~~ C.S. Regn provide for a regular decision by the Registrar, who has to ~~do~~ use his own discretion in the matter & the parties aggrieved can approach the Govt in revision or appeal as the case may be. The best course to adopt is therefore for the Registrar to give a decision on the point if the same is raised before him in any proceedings pending & leave the parties to approach Govt, if they are so advised.

Genl Secy)

MP
26/5

NOTE—Contn. Sheet.

WD 01536—GPB—7,500—5-4-34

D 6224

General and Revenue Secretariat

File No. of 193

The Registrar has asked for a confirmation of his views on the matter. There is nothing apparent to prevent him proceeding accordingly

Second Member.

Cust. 28.5.34

DNP 29/5

I agree

JOS 4/6

Cust. 5.6.34

Dft DNP 5/6

Dft Ltr accordingly

clear dft please

DNP 6/6

OFFICE OF THE SECOND MEMBER OF COUNCIL 29 MAY 1934 NO 7964

TYPING * 6. JUN. 1934 * GENL & R... SECTT

Typed dft put up

For perusal before issue

Dew 8/6

DNP 8/6

Issue

9.6.

DNP 9.6

9607 9/6/34

DEVELOPMENT SECRETARY. 9. JUN. 1934 6732

The Regr of Co-op Societies

D.P. 5666 of 13.6.34 informing us Govt agree with his views in the matter

3 14/6/34

Ltr 9/6/34

11/6

DNP 11/6.

TYPING SECTION. * 12 JUN. 1934 * GENL & REV. SECTT.

No. R 0 297 C S

GOVERNMENT OF MYSORE. Law 130-35

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

Telegraphic Address: "CO-OPERT." BANGALORE.

Camp Mysore, 17th May 1934.
Dated, Bangalore, 21. 193

GEN. & REV. SECRETARIAT 22 MAY 1934 DEVELOPMENT BRANCH

From

GULAM MOHADIN MEHKRI, ESQ., B.A., LL.B.,
Registrar of Co-operative Societies in Mysore,
BANGALORE

To

DEVELOPMENT SECRETARY C.S. 21 MAY 1934

M. Venkatanarnappa, Esq., B.A.,
Secretary to Government, Development Department,
Bangalore.

Sir,

I have the honour to state that a number of references have been received from the Secretaries of Co-operative Societies enquiring whether the Mysore Agriculturists' Relief Regulation applies to the transactions of co-operative societies in the State. Some of the judgment-debtors have also been applying for relief under that Regulation when the co-operative society decrees are being executed by the Revenue Authorities. As I feel a doubt, whether the Mysore Agriculturists' Relief Regulation applies to co-operative societies and their transactions, I request a ruling of Government on this point. I submit that the Regulation is not applicable to the transactions of Co-operative societies for the undermentioned reasons.

2. The Mysore Agriculturists' Relief Regulation applies to only suits filed before Civil Courts in which the procedure to be adopted is that laid down in the Civil Procedure Code unless otherwise provided for in this Regulation. Under explanation to Section 43 A. of the Mysore Co-operative Societies Regulation a claim by a registered society for any debt or demand due to it from a member, past member, or nominee, heir or legal representative is defined to be a dispute and the decision in such disputes is termed an "award" or "order" according as the dispute is settled by an Arbitrator or Registrar. These disputes have been misnamed as suits and the decisions relating to them as decrees contrary to the terms used in the Co-operative Societies Regulation. These are therefore no suits as contemplated in the Mysore Agriculturists' Relief Regulation.

3. Further in co-operative society disputes the Government have to frame rules regarding the procedure to be followed in proceedings befo[illegible] Arbitrators vide section 44

but the procedure laid down to be followed under the Mysore Agriculturists' Relief Regulation is that of the Civil Procedure Code. I therefore think that the Mysore Agriculturists' Relief Regulation does not apply to co-operative society disputes. I understand that there is a Bombay Ruling also to the effect that co-operative society disputes are not suits to which the Agriculturists' Relief Regulation can be made applicable.

4. In the case of disputes relating to co-operative societies the Registrar or the Assistant Registrars or Arbitrators pass orders and awards and these are executed by a different agency namely the Revenue Department, as if the amount due, were an arrear of Land Revenue. If the Mysore Agriculturists' Relief Regulation is held by Government to apply to such disputes then the question whether the defendant is an agriculturist or not will have to be enquired into as per section 5 of the Mysore Agriculturists' Relief Regulation. If this point is raised when the reference is made it will be enquired by the deciding authority. - But when the order or award is under execution already by a different agency before the Agriculturists' Relief Regulation was brought into force, it is not clear whether it is the Revenue Authorities or the officers of the Co-operative Department that will have to enquire into this matter. If this is to be determined by the officer that decided the dispute then the Departmental officers will have to re-hear a very large number of cases (very nearly three to four thousand) which are in various stages of execution proceedings. With the increased number of disputes that are being referred of late, a re-hearing of the disposed of ones to determine the status of the defendant or any of the defendants would involve very heavy work besides causing great delay in the recovery of dues which are already long overdue. I however think that if disputes are referred to the Civil Courts by the Registrar under Section 43 A 2(c) the question becomes different and the provisions of the Mysore Agriculturists' Relief Regulation will have to apply to such cases.

5. I request that an early Ruling of Government on the points raised by me may be obtained.

I have the honor to be,
Sir,
Your most obedient servant,

M. S. [illegible]
Registrar. 17/5

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE 3

General and Revenue Secretariat

No. P 3661 Bangalore, Dated, 12th June 1934.

13

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Registrar of Co-operative
Societies in Mysore, Bangalore.

Sir,

With reference to your letter No.8029/C.S. dated 21st May 1934 re: the applicability of the Mysore Agriculturists' Relief Regulation to the transactions of the Co-operative Societies in the State, I am directed to state that Government generally agree with your views in the matter, and have no objection in your proceeding accordingly. A ruling of Government cannot however be given on the points raised unless the matter comes up before Government in revision or otherwise as contemplated by the Co-operative Societies Regulation.

I have the honour to be,
Sir,
Your most obedient servant,

hks.2

for General Secretary to Government.

NoP 5666 & 5673 (4)

To 8/13/6/34

The Registrar of Co-operative
Societies in Mysore.

Sir,

With reference to your letter No. 8029/C.S. dated 21st May 1934 re: the applicability of the Mysore Agriculturists' Relief Regulation to the transactions of the Co-operative Societies in the State, I am directed to state that Government generally agree with your views in the matter, and have no objection in your proceeding accordingly. A ruling of Government cannot however be given on the points raised unless the matter comes up before Government in revision or otherwise as contemplated by the Co-operative Societies Regulation.

I have etc.,

General Secy. to Govt.

JBR 12/6/34

8/6

B.K.N.